

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ED MOLONEY, and ANTHONY	)	
McINTYRE,	)	
	)	
Plaintiffs,	)	
	)	Civil Action No. 11-12331-WGY
v.	)	
	)	
ERIC H. HOLDER, JR., Attorney General,	)	
and JOHN T. McNEIL, Commissioner,	)	
	)	
Defendants.	)	

**DEFENDANTS' MOTION TO DISMISS**

Pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, the defendants hereby move this Court to dismiss the complaint on the grounds that the Court lacks subject matter jurisdiction and the complaint fails to state a claim upon which relief can be granted. The grounds for this motion are more fully set forth in the Defendants' Consolidated Memorandum in Opposition to Motion for Preliminary Injunction and in Support of Motion to Dismiss.

Respectfully submitted,

CARMEN M. ORTIZ  
United States Attorney

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Dated: January 5, 2012

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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on January 5, 2012.

Dated: January 5, 2012

/s/ George B. Henderson, II

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